IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23846 of 2004

Between:

Priyadarshini Swayam Sahayaka Sangam (DWAKRA GROUP), Yetigairampet, Golugonda Mandal, Visakhapatnam District, rep by its President Koneti Satyavathi,W/o. Samabamurthy, aged 50 years

..... PETITIONER

AND

1 Government of A.P., rep by its Assistant Collector,
Office of the Sub Collector, Nasipatnam, Visakhapatnam District.
2 Vijayasri Swayam Sahayaka Sangam (Dwakra group) Yetigairampet,
Golugonda Mandal, Visakhapatnam District, rep by its President

Chintala Jagayyamma, W/o. Rama Naidu

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in appointing the 2nd respondent herein as fair price shop dealer of Yatigairampeta village vide his proceedings No. 780/2004/B dt. 11-10-2004 is illegal, arbitrary, mala fide one and set aside the same and consequently direct the 1st respondent to appoint the petitioner herein as fair price shop dealer of Yetigairampeta village, Golugonda Mandal, Visakhapatnam district.

Counsel for the Petitioner: MR.V.V.N.NARAYANA RAO

Counsel for Respondent No.1: GP FOR CIVIL SUPPLIES

Counsel for Respondent No.2: None appeared

The Court at the stage of admission made the following ORDER:

Petitioner challenges the appointment of the second respondent as a dealer of the fair price shop. It is alleged that the second respondent is not entitled to be appointed as a dealer, on the ground that its President is a member of the ward and thereby there is a contravention of condition No.7 of the notification dated 30.08.2004.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The adjudication of the claim made by the petitioner needs verification of disputed questions of fact. The allegation that the President of the second respondent is the member of the Gram Panchayat and thereby the group itself became disqualified has to be verified, after giving an opportunity to the second respondent in a properly instituted proceedings. Clause 20 of the A.P. Public Distribution System Control Order, 2001 provides for an appeal against such orders to the Joint Collector. If the petitioner is so advised, it can prefer such an appeal and seek appropriate remedy. If the petitioner prefers an appeal within two weeks from today, the same shall be received by the appellate authority, as having been presented within the period of limitation, and the appeal shall be disposed of within eight weeks from the date of its presentation, after hearing the affected parties. This Court is not inclined to interfere with the impugned order.

Hence, the writ petition is dismissed. No order as to costs.

21.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Assistant Collector, Government of A.P., ,
Office of the Sub Collector, Nasipatnam, Visakhapatnam District.
2 Two C.Cs. to the Government Pleader for Civil Supplies, High Court

Buildings, A.P., Hyderabad, (OUT).

3 Two C.D. Copies.